

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VERRAGIO, LTD.,

Case No. 1:16-cv-7473 (ER) (DCF)

Plaintiff,

vs.

S. KASHI & SONS,

Defendant.

**STIPULATION FOR ENTRY OF CONSENT JUDGMENT AND PERMANENT
INJUNCTION ORDER**

Plaintiff Verragio, Ltd. (“Verragio”), through its undersigned counsel, and Defendant S. Kashi & Sons (“Defendant”), through undersigned counsel, stipulate and agree as follows:

1. On September 25, 2016, Verragio filed a complaint for Permanent Injunction and Other Relief under the Trademark and Copyright Laws of the United States, 15 U.S.C. §§ 1051, *et seq.*, and 17 U.S.C. §§ 101, *et seq.*, respectively. *See* Compl. ECF No.:1.
2. On November 12, 2016, Defendant filed an Answer and Affirmative Defenses denying the allegations in the Complaint. *See* Ans. Compl. ECF No.: 12.
3. Defendant wishes to resolve this matter and hereby consents to entry of final judgment in the above-captioned case and entry of the following Permanent Injunction Order against Defendant.
4. This Court has subject-matter and personal jurisdiction over Defendant.
5. The parties waive the entry of findings of fact and conclusions of law under Rules 52 and 65 of the Federal Rules of Civil Procedure.
6. The Permanent Injunction Order will be entered under Federal Rule of Civil Procedure 65 and will constitute the final judgment in this matter. Defendant waives the right to appeal

from this judgment and will bear its costs, including any attorneys' fees or other expenses of this litigation. Defendant further waives any required findings of fact and/or conclusions of law, and any additional notice.

7. This Court should retain jurisdiction over this matter for the purpose of implementing and enforcing the Permanent Injunction Order. If Defendant violates the Permanent Injunction Order it may be subject to civil and criminal sanctions for contempt of court.

FINAL JUDGMENT AND PERMANENT INJUNCTION ORDER

IT IS ORDERED, ADJUDGED AND DECREED that:

1. Defendant and Defendant's officers, directors, employees, representatives, agents, successors-in-interest, parent corporations, subsidiary corporations, legal entities or persons controlled by Defendant, and all other persons who are in active concert or participation with them ("Enjoined Parties"), are hereby permanently enjoined from:

a. Copying or making unauthorized use of, or engaging in any unauthorized distribution of products protected by the copyrights to Verragio's jewelry designs with Style Nos. AFN-5010P (VA 1-852-562), AFN-5013P (VA 1-852-563), AFN-5021R (VA 1-852-566), AFN-5024 (VA 1-798-297), AFN-5052 (VA 1-974-011), AFN-5061CU (VA 1-866-174), (D102 (1-818-463), D124R (VA 1-818-418), ENG-0008 (VA 848-418), ENG-0428 (VA 1-974-072), INS-7010P (VAu 996-662), INS-7035 (VA 1-752-388), INS-7050 (VA 1-837-843), INS-7050R (VA 1-837-845), INS-7070R (VA 1-824-681), INS-7084CU-2T (VA 1-898-941), PAR-3002R (VA 1-398-939), PAR-3008R (VA 1-398-930) and PAR-3064R (VA 1-703-566) (collectively "the Verragio Copyrights") or rings that are substantially similar to the Verragio Copyrights. Copies of the Verragio Copyrights are attached to this Final Judgment And Permanent Injunction as Exhibit A;

b. Copying or making unauthorized use of, or engaging in any unauthorized distribution of products protected by the trademark in the Verragio Crest which is the

subject of the United States Registration No. 4,336,434 or rings that are confusingly similar to those with the Verragio Crest. A copy of the Verragio Crest trademark is attached to this Final Judgment And Permanent Injunction as Exhibit B;

c. Selling, distributing, advertising, manufacturing or purchasing any rings that Defendant identified with Style Nos. EN6853SEWG, EN6859WG, EN7107WG, EN7108PL, EN7408RG, EN7428WG, EN7432WG, EN7465WG, EN7479, EN7479-5.0, EN7479-5.0WG, EN7479-6.0WG, EN7663-75WG, EN7575-WG, EN7633-1WG, EN7579-WG, EN7712RW, EN7712-WG, EN7712YW, EN7751WG, EN7751YW, EN7789, EN7789-50RW, EN7789-1RW, EN7789-1WG, EN7819-1RW, EN7867-1RG, EN7940-1WG, EN7941-1WG, EN7954-1WG or any rings substantially similar to those rings (collectively, the Kashi Rings”). Pictures of the Kashi Rings are attached to this Final Judgment and Permanent Injunction as Exhibit C; and

d. Knowingly assisting, aiding or abetting any other person or business entity in engaging in or performing any of the activities referred to in subparagraphs 22(a) through 1(c) above.

2. The parties waive notice of entry of this Final Judgment and Permanent Injunction and the right to appeal therefrom or to test its validity and consent to its immediate entry in accordance with its terms. This Court expressly retains jurisdiction over this matter to enforce, implement or construe this Consent Judgment and Permanent Injunction.

SO ORDERED.

DATED: 1/17/2018



United States District Judge

APPROVED AS TO FORM AND CONTENT

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